

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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|-------------------------|---|----------------------|
| COREY LOUIS HINES, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | No. 4:10-CV-1765-CDP |
| |) | |
| LISA J.W. HOLLINGWORTH, |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner seeks to overturn an old municipal conviction dated September 18, 2000, for which he was sentenced to ten days in jail. Petitioner is currently serving a federal sentence for other charges and is incarcerated at USP Marion.

District courts have jurisdiction to entertain petitions for habeas relief only from persons who are "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). The custody requirement is fulfilled when a petitioner is in custody "under the conviction or sentence under attack at the time his petition is filed." Maleng v. Cook, 490 U.S. 488, 490-91 (1989). Where, as is the case here, a sentence has fully expired, the custody requirement is not met. Id. As a result, this Court does not have jurisdiction over the petition; the action will be

summarily dismissed. See Fed. R. Civ. P. 12(h)(3); Rule 4 of the Rules Governing § 2254 Cases.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion to proceed in forma pauperis is **GRANTED**.

IT IS FURTHER ORDERED that petitioner's petition for habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED**.

A separate Order of Dismissal will be filed with this Memorandum and Order.

Dated this 1st day of October, 2010.



UNITED STATES DISTRICT JUDGE